

## Sheriff's Department vs. Office of the Sheriff

What is the difference between sheriff's department and sheriff's office, and why should it matter? To answer the first question, we can turn to Black's Law Dictionary, which defines the terms as follows:

**Department:** *"One of the major divisions of the executive branch of the government...generally, a branch or division of governmental administration.*

**Office:** *"A right, and correspondent duty, to exercise a public trust. A public charge or employment...the most frequent occasions to use the word arise with reference to a duty and power conferred on an individual by the government; and when this is the connection, "public office" is a usual and more discriminating expression...in the constitutional sense, the term implies an authority to exercise some portion of the sovereign power, whether in making, executing, or administering the laws."*

Clearly, the office of sheriff is not simply another department of county government. Its internal operations are the sole responsibility of the sheriff.

County department heads are subordinate to a county administrator or manager because they are truly only a division of county government, and they work for him and for the governing body of the county council (or the board of commissioners).

The office of sheriff, on the other hand, is a constitutional office in 35 states having exclusive powers and authority. These powers are not subject to the dictates of a county manager or the whims of a county council. The powers of this office have been exercised for over a millennium.

A sheriff's office, then, is fundamentally different from a county department, which derives its limited authority from whatever is delegated to it. This delegation is made by those individuals who hold an elected position, of office, in the governing body.

The use of "department" actually refers to a subordinate unit of government, rather than to a body with inherent powers and sovereignty, such as the office of sheriff.